

Item No. _____

Prepared by: Lou Geater

Approved by: _____
County Attorney

RESOLUTION TO AMEND A PREVIOUSLY ADOPTED RESOLUTION ENTITLED “RESOLUTION APPROVING FORMS FOR THE SHELBY COUNTY EHTICS COMMISSION” ADOPTED AUGUST 27, 2007 BY AMENDING THE FORM ENTITLED “STATEMENT OF DISCLOSURE OF INTEREST.” SPONSORED BY COMMISSIONER STEVE MULROY.

WHEREAS, The Board of Commissioners of Shelby County, Tennessee adopted a resolution entitled “Resolution approving forms for the Shelby County Ethics Commission” on August 27, 2007, and is hereby incorporated as Exhibit A; and

WHEREAS, The form entitled “Statement of Disclosure of Interest” (Hereafter, “the Statement”) was approved by the Commission in the resolution, and is hereby incorporated as Exhibit B; and

WHEREAS, It has come to the attention of the Commission that the requirements of disclosure stated in question six of the Statement may cause an undue burden on voluntary members of not-for-profit boards otherwise covered under the Shelby County ethics ordinance; and

WHEREAS, It is the desire of the Commission to amend the Statement to no longer require voluntary members of not-for profit boards to list the investment holdings of prospective members, their spouses, or their minor children of more than ten thousand dollars (\$10,000) in a single corporation or other business organization.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that the resolution entitled “Resolution approving forms for the Shelby County Ethics Commission” adopted August, 27, 2007, is hereby amended to remove the words “ten thousand dollars (\$10,000) or” from the Statement of disclosure of interest for voluntary members of not-for-profit boards.

BE IT FURTHER RESOLVED, That this amendment shall not apply to the Statement to be filed by elected officials or other compensated employees or agents of Shelby County Government otherwise governed under the ethics ordinance.

BE IT FURTHER RESOLVED, That this resolution shall take effect immediately, the public welfare requiring the same.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____

SUMMARY SHEET

I. Description of Item

Under our Ethics Ordinance, all county officials, even voluntary members of nonprofit boards or commissions, have to file a financial disclosure form based on, and identical to, the form used at the state level. Question 6 of that form asks for the identity of all firms or entities in which the filer has invested (a) more than \$10,000 or (b) more than 5% of the entity's total value. Members of the Med Board have objected on privacy grounds to this disclosure. They have argued that, since an investor would not really be benefited by giving county business to a company if the investor held only a tiny percentage interest in the company, it should not matter whether that investor owns an interest in excess of \$10,000.

To address their objections and keep qualified persons willing to serve as volunteers on such boards, this Resolution would take out the disclosure noted above in (a), but leave in (b). That is, they would still be required to disclose all firms or other business entities in which they hold more than a 5% interest. To make this exception narrow, it would apply only to volunteer members of nonprofit boards or commissions. Everyone else covered under the Ethics Ordinance would still be required to fill out the full disclosure as modeled on the state ethics disclosure form.

II. Source and Amount of Funding

Not applicable

III. Contract Items

Not Applicable.

IV. Additional Information Relevant to Approval of this Item